



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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VALERIO RODRIGUEZ,

Plaintiff,

19 **CIVIL** 9066 (JLC)

-against-

JUDGMENT

ANDREW SAUL,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons set forth in the Court's Opinion and Order dated February 25, 2021, Rodriguez's motion for judgment on the pleadings is granted, and the Commissioner's cross-motion is denied, and the case is remanded to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the ALJ should: (1) Make a finding as to whether Rodriguez's left ankle impairment is severe under step two of the analysis. Whether or not the ALJ finds it to be severe, the ALJ should include it throughout the remaining steps of the analysis (including posing any limitations that result from the impairment to a vocational expert); (2) Re-evaluate whether Rodriguez's impairments satisfy Listing 1.04A, and, inter alia, whether Rodriguez qualifies for this Listing given the record with respect to his muscle weakness; and (3) Re-evaluate the conflicting evidence regarding leg raises and the impact that has on the Listing 1.04A issue.

Dated: New York, New York
February 25, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

Deputy Clerk

Kmango